IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

WA.No. 1189 of 2007()

{IN WPC.11088/2007 OF THIS COURT}
.....

APPELLANT/PETITIONER:

SREEDEVI AMMA G.
SREE VIHAR, VADAKKUMTHALA EAST PO,
KARUNAGAPPALLY.

BY ADV. SRI.S.EASWARAN

RESPONDENTS/RESPONDENTS:
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1. KERALA FINANCIAL CORPORATION,
VELLAYAMBALAM,
THIRUVANANTHAPURAM REPRESETNED
BY ITS MANAGING DIRECTOR.

2. THE CHIEF MANAGER, KERALA
FINANCIAL CORPORATION,
AGC COMPLEX, BEACH ROAD,
KOLLAM-691 001.

BY ADV.SRI.A.A.ABUL HASSAN

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

W.A.No.1189 of 2007

Dated this the 29th day of May, 2007

JUDGMENT

H.L. DATTU, C.J.

Challenging the orders passed by the learned single Judge in W.P.(C) No.11088/07, the petitioner is before us in this appeal.

2. Learned counsel for the appellant would submit that the learned single judge of this court, while disposing of the writ petition, ought not to have directed the appellant/petitioner to make a deposit of Rs.1.5 lakhs for consideration of the petitioner's application for one time settlement of the amounts due to the Kerala Financial Corporation.

3. We find some merits in the contentions canvassed by the learned counsel for the appellant. Admittedly, there is a scheme for one time settlement of the loans borrowed by the loanees. It is expected of the loanees to make an application to get the benefit under one time settlement benefit scheme. The scheme itself would provide for conditions that are required to be followed by the loanees while asking for one time settlement of the loans borrowed by them. In a situation like this, in our opinion, there was no necessity for the learned single Judge to have directed the appellant/petitioner to make a fresh application with a pre-deposit of Rs.1.5 lakhs. The condition so imposed by the learned single Judge cannot be sustained by us. Accordingly, the writ appeal is disposed of with the following order:

(a) The appeal is allowed in part.

(b) The appellant/petitioner is directed to make a fresh application within 15 days from today before the Kerala Financial Corporation for one time settlement of the loan amount due by him in accordance with the scheme.

(c) If and when such application is filed and if it is in accordance with the scheme, the Kerala Financial Corporation is directed to consider the same and pass appropriate orders.

Ordered accordingly.

Sd/-
H.L. DATTU,
CHIEF JUSTICE.

Sd/-
K.T. SANKARAN,
JUDGE.

Sk/

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P.S. To Judge